

MONTANA LEGISLATIVE HISTORY

Chapter 129 1991

Bill H _____ S 102 Original bill & history C

H. Committee on Local Government

Hearing Date(s) Mar 11 ✓ C

_____ C

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_____ C

Date Out Mar 12 ✓ C

S. Committee on Local Government

Hearing Date(s) Jan 24 ✓ C

Feb 14 ✓ C

_____ C

_____ C

Feb 15 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

SB 99 INTRODUCED BY HARP, ET AL
PROVIDE A PREFERENCE FOR PRIVATELY OPERATED SOLID
WASTE MANAGEMENT SYSTEMS
BY REQUEST OF ENVIRONMENTAL QUALITY COUNCIL

1/15	INTRODUCED		
1/16	REFERRED TO LOCAL GOVERNMENT		
1/16	FIRST READING		
1/16	FISCAL NOTE REQUESTED		
1/22	FISCAL NOTE RECEIVED		
1/23	FISCAL NOTE PRINTED		
2/19	HEARING		
2/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	49	0
2/25	3RD READING PASSED	47	2
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO NATURAL RESOURCES		
3/19	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/05	2ND READING CONCUR AS AMENDED		
	MOTION FAILED	47	51

SB 100 INTRODUCED BY HOCKETT
REMOVE ATTORNEY GENERAL APPROVAL OF
INTERLOCAL AGREEMENTS

1/15	INTRODUCED		
1/16	REFERRED TO LOCAL GOVERNMENT		
1/16	FIRST READING		
1/24	HEARING		
1/25	COMMITTEE REPORT—BILL PASSED		
1/26	2ND READING PASSED	46	0
1/28	3RD READING PASSED	47	0
	TRANSMITTED TO HOUSE		
1/29	FIRST READING		
1/29	REFERRED TO LOCAL GOVERNMENT		
3/05	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
3/06	PLACED ON CONSENT CALENDAR		
3/08	3RD READING CONCURRED	97	0
	RETURNED TO SENATE		
3/12	SIGNED BY PRESIDENT		
3/14	SIGNED BY SPEAKER		
3/14	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 83		

EFFECTIVE DATE: 10/01/91

SB 101 INTRODUCED BY REA
PSC REGULATION OF MOTOR CARRIERS TRANSPORTING UNDER
GOVERNMENT CONTRACTS
BY REQUEST OF PUBLIC SERVICE COMMISSION

1/15	INTRODUCED
1/16	REFERRED TO HIGHWAYS & TRANSPORTATION
1/16	FIRST READING
1/24	HEARING
2/13	TABLED IN COMMITTEE

SB 102 INTRODUCED BY NATHE, ET AL
ALLOW VOLUNTEER FIREFIGHTERS TO RECEIVE WORKERS'
COMPENSATION COVERAGE

SB 103

SENATE FINAL STATUS

1/15	INTRODUCED		
1/16	REFERRED TO LOCAL GOVERNMENT		
1/16	FIRST READING		
1/24	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/16	2ND READING PASSED	48	0
2/18	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO LOCAL GOVERNMENT		
3/11	HEARING		
3/12	COMMITTEE REPORT—BILL CONCURRED		
3/12	PLACED ON CONSENT CALENDAR		
3/14	3RD READING CONCURRED	99	0
	RETURNED TO SENATE		
3/18	SIGNED BY PRESIDENT		
3/19	SIGNED BY SPEAKER		
3/19	TRANSMITTED TO GOVERNOR		
3/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 129		

EFFECTIVE DATE: 10/01/91

SB 103 INTRODUCED BY NOBLE, ET AL.

EXCLUDING CAFETERIA PLAN BENEFITS FROM WAGES

1/15	INTRODUCED		
1/16	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
1/16	FIRST READING		
1/22	FISCAL NOTE REQUESTED		
1/29	FISCAL NOTE RECEIVED		
1/29	FISCAL NOTE PRINTED		
1/31	HEARING		
1/31	TABLED IN COMMITTEE		

SB 104 INTRODUCED BY GAGE

ALLOW TELEPHONE AND SPORT EVENT WAGERS AT RACE
AND SIMULCAST FACILITIES

1/16	INTRODUCED		
1/16	REFERRED TO JUDICIARY		
1/16	FIRST READING		
2/20	TABLED IN COMMITTEE		

SB 105 INTRODUCED BY THAYER, ET AL.

AMEND FORMULA FOR FEDERAL-STATE FUNDS FOR
MEDICAL FACILITY CONSTRUCTION

1/16	INTRODUCED		
1/16	REFERRED TO FINANCE & CLAIMS		
1/16	FIRST READING		
1/28	HEARING		
2/07	COMMITTEE REPORT—BILL PASSED		
2/09	2ND READING PASSED	42	6
2/11	3RD READING PASSED	43	5
	TRANSMITTED TO HOUSE		
2/12	FIRST READING		
2/12	REFERRED TO APPROPRIATIONS		
4/03	HEARING		
4/04	COMMITTEE REPORT—BILL CONCURRED		
4/06	2ND READING CONCURRED	80	11
4/06	ON MOTION RULES SUSPENDED TO PLACE ON 3RD READING THIS DAY		
4/06	3RD READING CONCURRED	86	11

RETURNED TO SENATE

SENATE LOCAL GOVERNMENT COMMITTEE

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Questions From Committee Members:

Senator Thayer asked John Connor what is his roll? Mr. Connor works for the Attorney General's Office as the Bureau Chief of the County Prosecutors Service Bureau, but his position is created by statute. He is the training coordinator for the Montana County Attorneys, and he is obligated by statute to provide training and trial assistance to county attorneys throughout the state. In that process, any legislative proposals they are concerned that deal with the function of their office and criminal matters. The MCAA has a bill in for salary increase, but we do not deal with anything involving money because we are funded by the public. We are located by statute in the Attorney General's office, but we service the county attorneys.

Senator Thayer asked if the Attorney General was in favor of this bill. Mr. Connor said that both Attorney General, Marc Racicot and his assistant, Beth Baker, and they have no problem with this at all. There are other things that can be done by the people who review these agreements.

Senator Kennedy asked why the 10% are sent back? Mr. Connor cited statute 7-11-105, it details what needs to be contained in an interlocal agreement: duration, precise organization, purpose of agreement, matter of financing, method of accomplishing the termination, disposition of property. A paralegal checks the agreement to see if all these statutory provisions are present, if not, the agreement is sent back with suggestions. Senator Kennedy asked if these shouldn't have been caught by the county attorney? Mr. Connor said they should have been.

Senator Bengtson asked if county attorneys would probably catch these errors without this review? Mr. Connor felt they would.

Senator Beck asked if the counties would still be able to have the Attorney General review a technical agreement? Mr. Connor said it is possible to amend this to be a voluntary procedure, and then the Attorney General would probably continue reviewing agreements.

Closing by Sponsor: Senator Hockett had no further comment.

HEARING ON SB-102

Presentation and Opening Statement by Sponsor: Senator Nathe, District 10, sponsored this bill based on the concerns of

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firechiefs and volunteer firefighters. At the present time, volunteer firefighters are not covered under Montana Workers' Compensation. Senator Waterman had asked if firefighters in an incorporated city could elect to be covered. They can be covered because of a class code. Other volunteer firefighters, outside an incorporated city, and those within a department of the city are not covered under Workers' Comp. They are covered under a certain provision of PERS for disability with a maximum medical payment of \$25,000-\$35,000, in some places. This is the only coverage. Firechiefs are concerned that if a number of volunteers were hurt and hurt seriously, that there is no way for them to have compensation. This bill would put these volunteers under Workers' Compensation. The first change is on page 4, line 2-10, and it states that the trustees have the option to elect coverage. Senator Nathe felt the pressure would be on the trustees of a fire district, the governing body of an incorporated town, a county governing body, or the county commissioners to elect to provide this cover. These are the entities that have volunteers to be covered. This next change is on page 6, line 13, and this is the basis for compensation. The compensation benefits for a volunteer firefighter covered is based on a firefighters wages or earnings of his normal occupation. The reason for the wages and earnings base is to cover the employed and the self-employed. Volunteers range from insurance agents, lawyers, and self-employed business men all functioning as volunteers. If the trustees elect cover under Workers' Comp then they can not be simultaneously under the bit of coverage from PERS. Senator Nathe understands that there are some amendments to be offered.

Proponents' Testimony: Gordon Morris, Executive Director, Montana Association of Counties, (MACo). He also serves as a trustee for the MACo Workers' Compensation Insurance Trust Fund. This fund currently has a state wide payroll in excess of \$103 million insures county employees across Montana. Under the provision of this bill, counties would voluntarily to provide coverage. MACo has one amendment prepared to offer. (Exhibit #1) After further analysis of the bill, a second amendment to clean the bill up slightly. The first will amend Page 6, Section 2, Subsection 5. If you have a volunteer firefighter whose normal income is \$50,000/year, and will collect a volunteer firefighter premium that is collected on a \$900/month salary based on a premium payment of \$6/100, leaves the county having to pay a great deal more. The language has be crafted so that the disability and compensation benefits under this provision would be calculated based upon the assumed volunteer firefighter salary of \$900/month. In addition, one other concern is to clarify the

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language as to what constitutes a volunteer. People stop to help with a fire if they see one, and they are not actually employed by the fire district or county as a volunteer firefighter. MACo would recommend amending the language throughout the bill, and specifically Page 4, Subsection 3, and again on Page 6, Subsection 5, to parallel the language that is used on Page 7, line 1-2, so it would read volunteer must be any active enrolled member of a fire company. The volunteer is listed on the payroll roster for both payroll and compensation purposes. With consideration for those two amendments, MACo and Workers' Compensation Insurance Trust support SB-102.

James Lofftus, President, Montana Fire Districts Association, (MFDA), they support and agree with the amendments. Too often our members are put a lot of time on the fire line. Their insurance coverage for their normal occupation varies, and often does not cover volunteer firefighting. Some have no other coverage at all. Frenchtown Rural Fire has started a study that will be taken over by MFDA, to determine the worth of a volunteer firefighter to the state, his community, the savings in tax dollars from lower insurance premiums, and his time contribution. MFDA feels this bill would really help volunteers. Alec Hanson, Montana League of Cities and Towns (MLCT), representing Montana Municipal Insurance Authority (MMIA) as their General Manager. MMIA provides Workers' Compensation coverage to volunteer firefighters in every town and 3rd class city in the state of Montana. We estimate that to be about 80 cities and towns. The way the coverage is provided is using the basis of \$25/month for \$300/year, and then they apply the standard rate of \$6.41/100. This has been a problem, but they have very good experience with volunteer firefighters. Obviously using the wage base of \$300/year does not generate the enough premium to cover even minor injuries. The annual premium paid to MMIA on volunteer firefighters is about \$12/year. That does not go far with modern medicine. The amendment to set the compensation rate at \$900/month is very sound. Also the amendment to set the benefits in accordance with the \$900 base is also logical. We must insure that these are enrolled firefighters, not people who just jump out of pickup trucks when they see excitement. Using the wage base and benefit schedule, MMIA would go into their program and conduct an actuarial study to develop a fair rate for the members. People are very sensitive to premiums, but they must also protect other members of the program from some unlimited exposure. We also support this bill because we have a lot of mutual aid agreements with rural fire districts and rural fire service areas. Under a mutual aid agreement, if someone is injured and the city is involved, the person logically would file under the city's Workers' Compensation plan were he would receive

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higher benefits than the individual disability plan. This exposure needs to be dealt with. This bill with the amendments will do this, and it will promote uniformity throughout the system. MTLC and MMIA support this bill.

Lyle Naegle, Montana State Volunteer Firefighters(MSVF), we support this bill.(Exhibit #3). We see one problem with the amendments because it does not pertain to members of firefighters in incorporated cities and towns. We suggest to add this the wording in 19-11-102 to this membership explanation. This would cover 2nd, and 3rd class cities, and relief fire companies that state they must be a member for at least 6 months to be accepted as member. MSVF supports this bill and the amendments.

Vern Evans, Trustee, West Helena Valley Fire Department(WHVPD), also a member of the Montana State Fire Districts Association(MSFDs). We support this legislation. We feel this will help with recruiting volunteer firemen. This coverage would entice new prospective volunteers to join a volunteer fire department.

Dwayne Larson, Retired Firechief, Kalispell Montana Firechiefs Association(KMFA). We support this bill. Montana employers are expected to provide Workers' Compensation for our employees, and in the strictest sense of the word volunteer firefighters are considered employees of the communities they serve and protect. The major difference is in the amount and lack of compensation. Many people, from all walks of life, daily drop what they are doing to respond as a volunteer firefighter. Their normal job provides the tools of the trade, and reasonable insurance coverage. The employers pay premiums based on the wages and hazards of the job. The hazards of fighting fires is greater than most volunteers' other occupation, yet they are not covered by insurance from their employer. This bill would supply an equitable solution to this problem, and KMFA supports this bill and its proposed amendments.

Jim Murphy, Executive Vice President, State Workers' Compensation Fund, and they agree with this bill if it is amended to include the statutory benefits and the premium on the same dollar amount. This is the way statute handles sole proprietors and partners. Page 3, Section d deals with this. \$900 is about \$138/weekly benefit.

Bruce Suerman, Missoula Rural Fire District, and they support this bill and the proposed amendments.

Scott St. Clair, Volunteer Firefighter, East Helena Volunteer

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Fire Department, supports this bill but questioned what will happen to the current coverage for 3rd class cities? The other question is about the \$900 flat wage. Some volunteers are unemployed elsewhere, and this would provide a substantial income for them that they would not receive if they were on compensation. Higher wage earners won't benefit because they will receive less.

George Wood, Executive Secretary, Montana Self-Insurers Association, and we support this bill with the amendments as reported to the committee.

Henry Lohr, Montana State Volunteer Firefighters Association, they association approved this at their state convention this summer, and hope the committee will confer on this bill.

Opponents' Testimony: none

Questions From Committee Members:

Senator Beck asked Jim Murphy if the \$900 base for sole proprietors and partners been adjusted for a good long period of time? Has it been it a standard figure for a quite awhile? Mr. Murphy said the \$900 represents was 1/2 the state's weekly wage, and wages have gone up. Sole proprietors can elect anything in between that and 1 1/2 of the state's average weekly wage. If you take 1 1/2 the wage that gives you the maximum comp rate.

Senator Thayer asked Mr. Larson if when he was testifying was he also speaking for the amendments? Mr. Larson said that he would support the amendments.

Senator Beck asked to clarify if the maximum payout from Workers' Comp is based on \$900? Mr. Murphy said the \$900 is only \$138/week and the maximum would be about \$299/week.

Senator Bengtson asked to follow up on Scott St. Clair's question regarding 3rd class cities and their current coverage? Also whether the higher wage earner is penalized? Senator Nathe said that with the amendment, if someone is unemployed, but they are a member of a fire service relief association, and injured they are entitled to the benefits. It shouldn't matter if they are employed elsewhere. If they have been the program and are hurt fighting fires they deserve to be compensated. The other question about higher wage earners benefits would be too steep for the local government to pay the premium. That's why the amendment to cap it at \$900 was offered. Senator Nathe was

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taking his queue from the firechiefs and volunteers firefighters association present that they supported the amendment. As to the impact on 3rd class cities, he referred the question to Mr. Hanson, that he understood that 3rd class cities are currently covered under class code 7704 and they can either pay them a minimum of \$300/annum which entitles you on a short term disability to about \$.57/wk or you can pay at the rate of \$6.41/\$100 of salary to be covered on a premium. At \$50,000 it would be too great for any local government to cover.

Mr. Hanson stated that currently volunteer fire companies in 3rd class cities are covered under MMIA program and the premium is based on \$300/year. This amount times the \$6.41/\$100 is not enough to generate premium to cover much. If this law is approved we would look at volunteer firefighter group as a different group and we would come up with a rate based upon the amount of compensation in the base, the benefits on the other end. We recognize we can not increase that rate much above where it is now. There are a lot of volunteers and a lot of 3rd class cities and counties. The whole idea is to strike a balance and reach a premium level that 1. guarantees some protection, and 2. while at the same time keeping the rate low. By putting a standard rate of compensation in the bill there will be a benefit to an unemployed person is a member, and there would be a deduction for a relatively high paid person that is a member. The committee has to remember that this is almost supplemental coverage, and this is for these people when they are not in their normal course of employment, and they are providing a service to the community. With the amendments this bill strikes a very well balanced approach.

Senator Bengtson asked if Mr. St. Clair had his questioned answered? Mr. St. Clair said that they still did not answer what will happen to the current coverage of 3rd class cities. Mr. Hanson stated that this will compensate, for Workers' Comp purposes, on the \$900/month instead of wages or salary from regular employment. If you make less than \$900/month it will be an additional benefit, and if you make more it would cost you some money.

Senator Eck asked Mr Morris if these groups would be covered under city or county self-insured plans? Mr. Morris said that MACo's trust would have to elect the coverage under this, and then proceed with the payroll reporting requirements for participation in the fund to achieve coverage for volunteers. We would not deny any coverage as requested by county commissioners. Senator Eck also asked about the bill we acted upon the other day for self-insured that said they could elect to not take in

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another group. This would not be considered a new group, it would be part of your group and the cities group? Mr Morris said from the stand point of rural fire protection they would be considered county employees. We do not take, by virtue of a decision by our trustees, any groups in for coverage other than those people who work directly for the county, and rural firefighters could be assumed to work directly for the county. Senator Eck asked if these people are covered under another Workers' Comp plan for their normal job, is it possible to be covered under both plans. Mr. Morris said that if you are injured responding to a fire the compensation benefits would be provided associated with responding to the fire. A person would not show up at his normal occupation and claim an additional work injury.

Senator Beck asked Senator Nathe that the rate on this is approximately 1 1/2 of the state wage for volunteer firefighters? Senator Nathe said that this is what is stated in 7704 class code in Workers' Comp for volunteer firefighters in an incorporated city, that have elected to provide Workers' Comp. They have not done it statutorily, it's just been under their plan for cities and towns. Senator Nathe asked Mr. Hanson how high the weekly benefit goes? Mr. Hanson said he was sure that benefits are currently paid on wages for the person's regular job, so if they makes good money they would receive the maximum. We are covering the volunteers with a very low salary and base it on the \$6.41/\$100 rate. If that is raised to \$900/month it in effect this law raises the wage rate 36 times. To cover the small cities and towns we will not increase the premium on volunteer firefighters 36 times. Under the program we will have the authority to adopt rates and monitor classes and have actuarial studies to tell exactly what that rate should be. Volunteer firefighters have very few accidents, so the rate or the combination of rate and modification factors would come out very close to where we are now.

Senator Beck asked to follow up about the rates in the MACo plan. Would he expect the rates to be comparable in your plan to what we are discussing here? Mr. Morris said that MACo does not currently provide any coverage for volunteer firefighters. The trustees of Workers' Comp would take a look at the actuarial recommendations, and develop a rate for rural fire volunteers. At this time we have no experience in these rates. Senator Beck asked if Senator Nathe if he had any problem with the amendments suggested? Senator Nathe said he did not have any problem with the amendments, and he said the testimony from the firechiefs gave him his queue because they all supported the amendments.

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Senator Thayer asked Jim Murphy asked if all this would come under the self-security program? What is the reference to the \$900 have to do with the self-insured plan. Mr. Murphy said the \$900 can be adjusted. Anyone can elect to write in more. If volunteers do not get coverage from the cities and counties then the State Fund would have them. The trustees are the ones who elect the coverage. If they can self-insure they would look to us for coverage. Senator Thayer asked if then the \$900 amount was the maximum amount written in the coverage. Mr. Murphy said you could write anything in, but the statute shows \$900 for sole proprietors. Our point is, we will provide the coverage, but we would like what ever the figure is that it be not only the benefit base, but be the premium base. That payroll is used to compute benefits and premium then we can predict what it will cost.

Senator Beck asked if Mr. Murphy had any experience with firefighters on Forest lands, and what is the actuary on them? Mr. Murphy said that the \$6.41 mention is the state fund rate for the firefighters and so that is the experience.

Senator Eck asked if they have the option to elect state coverage, then the state would like the \$900 figure, but if they go to city or county coverage those plans could set it greater than that. Mr. Hanson said that \$900 for a compensation rate is a perfectly acceptable rate. There are other ways to develop a premium. The advantage to the \$900 was an easy benchmark. You have \$900 as a wage base and \$900 as a benefit base and it balances everything out. Mr. Morris wanted to comment on the word "elect". In the case of counties, there would be no election as to whether you would choose to insure with the county or with the state. If a group in the county is eligible for coverage by the county program, then they have to be covered by the county. If they choose to go with the state the entire county must go with the state. The counties are covered by the program, and if the trustees of the fire service volunteers elect for coverage, the volunteers will be covered as county employees. Trustees of a rural fire district may have election because they are a separate taxing entity.

Senator Bengtson asked Pat Sweeney, President, State Fund, to introduce himself and asked if the State Fund is ready and able to cover volunteer firefighters. Mr. Sweeney said they had no problem with this bill if a premium base and a benefit rate. The amendments which were offered today do that, and as a result the State Fund for those that would care to insure with us, we have absolutely no problem.

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Senator Beck asked Mr. Morris if most districts in the rural areas fire districts instead of rural fire service areas? Mr. Morris said that we have a lot of rural fire protection areas in the eastern part of the state. They are not as organized to the same extent as they would be on the western side. Western Montana seems to prefer organization under Fire Districts. Senator Beck asked if all counties were currently covered under MACo's program? Mr. Morris said that 52 of the 56 counties are covered. Butte-Silver Bow, Deer Lodge, Anaconda, Liberty, and Beaverhead.

Closing by Sponsor: Senator Nathe closed by saying he supported the amendments by MACo and Lyle Naegle for this bill. He felt that the discussion had been very informative and he asked the committee to Do Pass SB-102 as amended. It is needed in Montana.

EXECUTIVE ACTION ON SB-100

Motion: Senator Eck moved to Do Pass SB-100.

Discussion: none

Recommendation and Vote: The motion carried unanimously. It was recorded as a roll call vote.

EXECUTIVE ACTION ON SB-10

Amendments, Discussion, and Votes: Connie Erickson explained the amendments. (Exhibit#2). A new section has been added that pertains to the responsibility of indebtedness.

Discussion: Senator Bengtson stated if the municipality decided not provide either of the option provided on Page 2, Section 2, Part a & b, then the newly annexed property have double taxes? It certainly be a dis-incentive to annexation.

Senator Beck asked if property owners had the choice as to whether they would be annexed. They to need to vote on it. Senator Beck asked C. Erickson if the city decides to annex a portion of the county or outside the city limits, do they have the arbitrary choice to do that? C. Erickson said it depends on the land. If it is contiguous or wholly surrounded. If its wholly surrounded, the city can simply pass a resolution and

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SENATE LOCAL GOVT. COMM.

EXHIBIT NO. #1

DATE 1-24-91

BILL NO. SB-102

2711 Airport Road
Helena, Montana 59601
(406) 442-5209
FAX (406) 442-5238

MONTANA
ASSOCIATION OF
COUNTIES

SB 102

INTRODUCED BY NATHE

Delete Page 6, Section 2, Subsection (5)

Insert: The compensation benefits and the payroll for premium purposes for a volunteer firefighter covered pursuant to 39-71-118(3) must be based on \$900 a month for each firefighter.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 24th day of Jan, 1991.

Name: Lyle P. Nagel

Address: Box 93 Simms Mt. 59477

Telephone Number: 264 5850

Representing whom?

Mont. St. Vol Firefighters Assoc

Appearing on which proposal?

SB 102

Do you: Support? X Amend? X Oppose?

Comments:

The amendment to clarify the meaning of "Volunteer Firefighter", the statutes mentioned by Gordon Morris of NAFO correctly covers members of Vol Fire Companies. However, this does not cover members of ~~fire~~ fire depts in incorporated towns. I would suggest that the amendment also include members covered under 19-11-102

ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

DATE 1-24-91

52 LEGISLATIVE SESSION _____

NAME	PRESENT	ABSENT	EXCUSED
Senator Beck	X		
Senator Bengtson	X		
Senator Eck	X		
Senator Hammond	X		
Senator Harding	X		
Senator Kennedy	X		
Senator Thayer	X		
Senator Vaughn	X		
Senator Waterman	X		

Each day attach to minutes.

DATE 1-24-91

COMMITTEE ON SENATE LOCAL GOVERNMENT

VISITORS' REGISTER

[illegible]

SENATE LOCAL GOVERNMENT COMMITTEE

February 14, 1991

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Senator Thayer asked if garbage was handled, shouldn't the water and sewer be done the same? Senator Pipinich said this bill was written based on the garbage bill.

Closing by Sponsor: Senator Pipinich said he was going to remember all the members of this committee when their simple, easy bills came before him. This is a two way street. The committee laughed. He then stated that this bill is drafted well and asked for the committees favorable consideration.

EXECUTIVE ACTION ON SB-102

Amendments, Discussion, and Votes: C. Erickson explained that she had talked Senator Nathe and with Dean Glover of Plentywood who originally requested the bill after the big fire there. The original intent was not to include incorporated towns, and that could be removed. Secondly, Mr. Glover suggested a further definition of a firefighter. Third, he explained the base compensation should be set on the firefighter's normal occupation because if he was hurt at a fire and couldn't perform as a firefighter nor his normal work, he would loose that amount of normal income amount of money. Anything less could mean a firefighter loosing money that he normally would have received. C. Erickson said one other concern was brought up, and that was to add, "or trustees of a fire service area" to the title to cover fire districts that have these boards, and other areas noted in the exhibit.(Exhibit #2)

Senator Hammond asked if a base salary is a range? C. Erickson said answer was yes according to the amendment it put a bottom and a top. Senator Hammond asked Senator Nathe to discuss the sealing. Senator Nathe said on Workers' Comp coverage under this section, \$900/month is the minimum and entitles you to \$138/week plus your medical. The 1 1/2 times the weekly wage is the maximum and entitles you to \$299/week plus your medical. This is a premium based on 6.41% of that salary range.

Motion: Senator Kennedy moved to amend SB-102. The vote was unanimous. Senator Thayer wanted to clarify that 1 1/2 times the weekly wage is \$299, so call it \$300, and 1 1/2 times \$300 puts you at \$450. Senator Nathe said yes, and that then entitles you to \$299/week. If this is selected they can start at \$900/month or base it on or up to 1 1/2 times the weekly wage.

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Motion: Senator Beck moved to Do Pass SB-102 as amended.

Recommendation and Vote: The vote was unanimous and Senator Hammond voted by proxy.

EXECUTIVE ACTION ON SB-276

Motion: Senator Hammond moved to amend SB-276. The vote was unanimous.

Amendments, Discussion, and Votes: The vote to amend was unanimous. Senator Thayer asked if there was any way to add the police officers to this bill to adjust them at the same time? C. Erickson said that she was unsure if that could be done in this bill. Her first impression was no.

Senator Thayer said his own philosophical rule was that this is a contract bargaining tool, and should not be legislated to be a mandate for all cities. There are unions that represent these bargaining groups, and they should not come to the Legislature every year with these kinds of packages.

Senator Bengtson asked if it would be fair to add the police without their input, because this would lower the amount of money they would get? Senator Vaughn said municipalities had not be contacted about this, so this committee should not be amending in things like this.

Senator Kennedy asked Vern Erickson why this matter is not done during contract negotiations? Mr. Erickson said he has been involved for 10 years with different mayors, managers and philosophies. The association would like to have some consistency in their profession that applies to all firefighters. It is important for those who look at firefighting as a livelihood to know what they can expect in the years ahead. We see differences in philosophy in a city in one year's time. There is no fault here, but the percentage of members say they want this consistency.

Senator Thayer asked if this is something bargaining units have tried and had turned down? Mr. Erickson said that Helena did ask and received it. He could not speak about other areas.

ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

DATE 2-14-91

52 LEGISLATIVE SESSION _____

NAME	PRESENT	ABSENT	EXCUSED
Senator Beck	X		
Senator Bengtson	X		
Senator Eck	X		
Senator Hammond	X		
Senator Harding	X		
Senator Kennedy	X		
Senator Thayer	X		
Senator Vaughn	X		
Senator Waterman	X		

Each day attach to minutes.

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-14-91 Bill No. SB-102 Time 4:10

NAME	YES	NO
Senator Beck	X	
Senator Bengtson	X	
Senator Eck	X	
Senator Hammond	X	
Senator Harding	X	
Senator Kennedy	X	
Senator Thayer	X	
Senator Vaughn	X	
Senator Waterman	X	

Joyce Inchauspe-Corson
Secretary

Senator Esther Bengtson
Chairman

Due Pass
Motion: SB-102 as Amended

Amendments to Senate Bill No. 102
First Reading CopyDATE 2-14-91BILL NO. SR-102Requested by Senator Nathe
For the Committee on Local GovernmentPrepared by Connie Erickson
February 11, 1991

1. Title, lines 5 and 6.

Strike: "THE" on line 5 through "," on line 6

2. Title, line 8.

Following: "COMMISSIONERS"

Insert: "OR TRUSTEES"

3. Title, line 10.

Following: ";

Insert: "TO DEFINE THE TERM "VOLUNTEER FIREFIGHTER";"

4. Page 1, line 17.

Strike: "and"

Following: "workman"

Insert: ", and volunteer firefighter"

5. Page 3, line 3.

Following: line 2

Insert: "(2) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a fire company organized and funded by a county, a rural fire district, or a fire service area."

Renumber: subsequent subsections

6. Page 3, line 14.

Following: "subsection"

Strike: "(2)(d)"

Insert: "(3)(d)"

7. Page 4, lines 2, 3, and 4.

Strike: "the" on line 2 through "," on line 4

8. Page 4, line 5.
Following: "commissioners"
Insert: "or trustees"

9. Page 6, line 13.
Following: "benefits"
Insert: "and the payroll, for premium purposes,"

10. Page 6, line 14.
Strike: "(3)"
Insert: "(4)"

11. Page 6, lines 15 and 16.
Following: "upon" on line 15
Strike: the remainder of line 15 and line 16 in their entirety
Insert: "a wage of not less than \$900 a month and not more than 1
1/2 times the average weekly wage as defined in this
chapter."

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 15, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 102 (first reading copy -- white), respectfully report that Senate Bill No. 102 be amended and as so amended do pass:

1. Title, lines 5 and 6.

Strike: "THE" on line 5 through "," on line 6

2. Title, line 8.

Following: "COMMISSIONERS"

Insert: "OR TRUSTEES"

3. Title, line 10.

Following: ";

Insert: "TO DEFINE THE TERM "VOLUNTEER FIREFIGHTER";"

4. Page 1, line 17.

Strike: "and"

Following: "workman"

Insert: ", and volunteer firefighter"

5. Page 2, line 3.

Following: line 2

Insert: "(2) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a fire company organized and funded by a county, a rural fire district, or a fire service area."

Re-number: subsequent subsections

6. Page 3, line 14.

Following: "subsection"

Strike: "(2)(d)"

Insert: "(3)(d)"

7. Page 4, lines 2, 3, and 4.

Strike: "the" on line 2 through "," on line 4

8. Page 4, line 5.

Following: "commissioners"

Insert: "or trustees"

9. Page 6, line 13.

Following: "benefits"

Insert: "and the payroll, for premium purposes,"

10. Page 6, line 14.

Strike: "(3)"

Insert: "(4)"

11. Page 6, lines 15 and 16.

Following: "upon" on line 15

Strike: the remainder of line 15 and line 16 in their entirety

Insert: "a wage of not less than \$900 a month and not more than 1
1/2 times the average weekly wage as defined in this
chapter."

Signed: _____
Esther G. Bengtson, Chairman

MA 2-15-91
Amd. Coord.

SB 2/16 12:15
Sec. of Senate

consolidation away from the County Commissioners and leaves it only an option when the petition process is involved. Section 3 states "the initiation by the Board of County Commissioner", but is striking the language that consolidation would be at their discretion. Section 4 also substitutes the language "petition" throughout. SB 221 reads that County Commissioners would have to have a petition to consolidate offices.

Questions From Committee Members:

REP. CROMLEY asked Merrill Klundt if on Page 3, Line 12, Subsection 3, are they looking at offices which expire in different years. Mr. Klundt said County Commissioners are not affected by this because they are elected every two years. All the elected officers of the county, except the Clerk of Court, are four year terms which run in the same year.

REP. STICKNEY asked SEN. HARDING if there was a major problem with counties consolidating without due process. SEN. HARDING stated that if anyone decided that they wanted a consolidation of offices, the elected officeholder would have a two year period to prepare for whatever the electorate has decided.

REP. McCAFFREE asked Merrill Klundt if his county is proposing to consolidate with another office and how many Clerk and Recorders offices, in other than the very small counties, have been consolidated with another office. Mr. Klundt said his office was not proposing to consolidate and in Treasure County they have the Clerk of Court and Clerk and Recorder. REP. McCAFFREE asked if there has been a push to consolidate. Mr. Klundt said there has been talk because it might save money.

REP. WALLIN asked if there is a difference in the problems of a first and third class county. Mr. Klundt said yes. First class counties have a large volume of work. SEN. HARDING stated the people in these offices are trained. If the workload is less, they are still trained for the positions.

Closing by Sponsor:

SEN. HARDING urged support for SB 221.

HEARING ON SB 102

Presentation and Opening Statement by Sponsor:

SEN. NATHE, Senate District 10, Redstone, said SB 102 would extend worker's compensation to the volunteer firefighters who are not in an incorporated city or town. It would be the option of the local governing body. The volunteer firefighters in incorporated cities and towns are considered to be employees of city government and are covered by workers compensation. SB 102 applies to rural volunteer firefighters in fire service districts and areas. The volunteer firefighter must be actively enrolled

in a fire company that is organized and funded by a rural district or service area before they are considered volunteer. The County Commissioners may elect to provide the coverage to volunteer firefighters. The compensation benefits, for the purpose of premium, must be based on a wage of no less than \$900 per month nor more than 1 1/2 times the average weekly wage.

Proponents' Testimony:

Gordon Morris, Montana Association of Counties, stated SB 102 would allow volunteer firefighters, who are enlisted members of a company, to be covered by workers' compensations through existing programs either self funded by counties or under the state program.

Henry Lohr, Montana Volunteer Firefighters Association, supported SB 102.

Lyle Nagel, Montana Fire Chiefs Association, stated that the bill arose because a fireman was permanently disabled and has no income. There are 7,500 volunteer firemen and 5,000 are rural firemen who have no compensation protection. They must rely on their own insurance which is very costly.

James Lofftus, Montana Fire Districts Association, stated SB 102 protects volunteer firemen. Many firemen have their own insurance which is expensive. Some coverage for volunteer firemen is not good and SB 102 would help pay medical cost if a volunteer firemen were injured.

Opponents' Testimony: None

Questions From Committee Members:

REP. WYATT asked SEN. NATHE if SB 102 was actuarially sound. He said that it was. SB 102 will cost more than what it costs incorporated cities and towns under their own self-insurance pool. The rate for a volunteer firefighter in an incorporated city or town is 6.41% times the average weekly wage. SB 102 is based on \$900 a month.

Closing by Sponsor:

SEN. NATHE stated rural firefighters have no compensation protection. SB 102 would provide an option for the Board of Trustees or the County Commissioners to provide workers' compensation to volunteer firemen in the respective areas. He asked the REP. L. NELSON to carry SB 102.

HEARING ON SB 160

Presentation and Opening Statement by Sponsor:

SEN. KENNEDY, Senate District 3, Kalispell, stated SB 160 would

REP. BROOKE asked Gordon Morris how a County Commissioner compares to being a lobbyist. Mr. Morris said it is comparable. REP. McCAFFREE asked what percentage of tax dollars does the county government spend. Mr. Morris said counties spend approximately 22 1/2 cents of every tax dollar. The schools get approximately 75 cents, the counties get slightly lower than the 22 1/2 cents, and the cities get the balance.

Closing by Sponsor:

SEN. GAGE stated the study committee could report to the Legislature what areas need to be reorganized. It will be beneficial for the Legislature to know this.

EXECUTIVE ACTION ON HB 939

Motion: REP. S. RICE MOVED HB 939 DO PASS.

Discussion:

REP. S. RICE stated the HB 939 is an urban reforestation bill. She requested that the committee pass the bill unamended so it can be taken directly to Appropriations. There is another source of funding available so they don't have to dip into the Resource Indemnity Trust Fund. REP. NELSON said the reason there was no opposition to HB 939 was because the title doesn't betray the source of funding. REP. D. BROWN said because of the additional funding, he would like to see it go to Appropriations. REP. SIMPKINS said under the Federal Grant Program, this bill would not have any effect on it.

Vote: Motion carried unanimously.

EXECUTIVE ACTION ON SB 224

Motion/Vote: REP. DARKO MOVED SB 224 BE CONCURRED IN AND PLACED ON CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON SB 102

Motion/Vote: REP. DARKO MOVED SB 102 BE CONCURRED IN AND PLACED ON CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON SB 160

Motion/Vote: REP. STICKNEY MOVED SB 160 BE CONCURRED IN AND PLACED ON CONSENT CALENDAR. Motion carried unanimously.

EXECUTIVE ACTION ON SB 261

Discussion:

REP. D. BROWN asked the committee not to hold SB 261 very long. He felt that there is no amendment acceptable to the bill. If

HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE 3-11-91

NAME	PRESENT	ABSENT	EXCUSED
Rep. Paula Darko	X		
Rep. Jessica Stickney, Vice-Chair	X		
Rep. Joe Barnett	X		
Rep. Arlene Becker	X		
Rep. Vivian Brooke	X		
Rep. Dave Brown	X		
Rep. Brent Cromley	X		
Rep. Tim Dowell	X		X
Rep. Budd Gould	X		
Rep. Stella Jean Hansen	X		
Rep. Harriet Hayne	X		
Rep. Ed McCaffree	X		
Rep. Tom Nelson	X		
Rep. Jim Rice			X
Rep. Sheila Rice	X		
Rep. Richard Simpkins	X		
Rep. Norm Wallin	X		
Rep. Diana Wyatt, Chair	X		

10:15

3-12-91

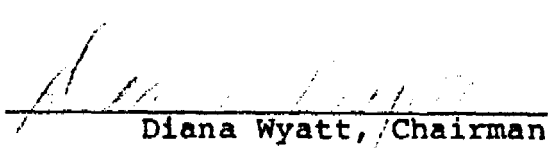
JDB

HOUSE STANDING COMMITTEE REPORT

March 12, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 102 (third reading copy -- blue) be concurred in and be placed on consent calendar .

Signed: 

Diana Wyatt, Chairman

Carried by: Rep. L. Nelson

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Local Government

COMMITTEE

BILL NO.

SB102DATE 3-11-91SPONSOR(S) Nathe

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Henry E. Lohr	MT. ST. VOL. Firefighters Assn.	SB102		X
JAMES A. LOFFTUS	MT FIRE DIST ASSN	SB102		✓
Lyle P. Nagel	MT. ST. Fire Chiefs Assn MT. ST. Vol. Firefighters Assn			✓
Gordon Morris	MAA			✓
Nancy Butler	State Fund	SB102		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.